

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHELLE TENZER-FUCHS, on behalf of :
herself and all others similarly situated, : CIVIL ACTION NO. 20cv3801(GRB)(ARL)
Plaintiff, : JOINT RULE 26(f) REPORT
v. : Initial Conference: December 2, 2020
DACM DIGITAL, LLC, : Time: 1:30 p.m.
Defendant. : Before the Hon. Arlene Rosario Lindsay
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In compliance with Rule 26(f) of the Federal Rules of Civil Procedure and the Court Orders of October 8, 2020 [Dkt. 7 and 7-1], counsel for Plaintiff **Michelle Tenzer-Fuchs** (“Plaintiff”) and counsel for Defendant DACM Digital, LLC (“Defendant”) (collectively, the “Parties”) have participated in the Rule 26(f) conference on November 9, 2020, and hereby submit this Joint Rule 26(f) Report.

A. Discovery Plan

1. Initial Disclosures

The parties do not propose any changes to the form or requirement for initial disclosures under Rule 26(a). The parties will exchange initial disclosures on November 23, 2020.

2. Subjects of Discovery

The parties anticipate conducting discovery on issues relating to Plaintiff’s claims asserted in the Complaint, Defendant’s defenses asserted in the Answer, including the following subjects: accessibility of Defendant’s website; Plaintiff’s use or attempted use of the website; and qualified disability per the ADA.

3. Discovery Timeline

All discovery, inclusive of expert discovery, should be completed by June 2, 2021, and discovery will not need to be conducted in phases or limited to particular issues.

4. Electronically Stored Information

The parties do not foresee any issues at this time related or arising out of electronically stored information (“ESI”) in this lawsuit. The parties have agreed that the producing party can choose to produce ESI as electronic images of hard copies or in the native, electronic format, or as hard copies in limited quantities. The parties will cooperate reasonably regarding production of ESI in formats other than the original production format, in the event a different format is sought by the requesting party (e.g., a document produced in .tiff image format may be requested in native format for ease of handling and review).

5. Privileged Information

The parties agree that information that is subject to a claim of privilege and/or protection under the attorney-client privilege or work-product doctrine may be withheld from production, subject to applicable law regarding any challenges to the basis for withholding such information. The parties agree to follow the procedures set forth in Fed.R.Civ.P. 26(b)(5) with regard to withheld information and inadvertently produced privileged or attorney work-product information.

6. Limitations on Discovery

At this time, the parties do not contemplate the need for any change to the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules.

7. Proposed Scheduling Order

Parties are in agreement with regards to the schedule specified in the Proposed Scheduling Order.

Respectfully submitted.

Dated: December 1, 2020

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With agreement and conformity:

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